

MINUTES

NATURAL RESOURCES COMMISSION

Lansing Center
333 E. Michigan
Lansing
-and-
Stevens T. Mason Building
530 W. Allegan
Lansing

July 10-11, 2003

Present

Jim Campbell
Keith Charters, Chair
Paul Eisele, Vice-Chair
Bob Garner
John Madigan
Frank Wheatlake

K. L. Cool, Director
A. Michael Leffler, Legal Counsel
George Burgoyne, Resource Management Deputy
Kelli Sobel, Administrative Services Deputy
Department Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole Meeting of the Natural Resources Commission (NRC) to order at 3:05 p.m. on Thursday, July 10, 2003. The Committee of the Whole is a working session of the NRC.

Recognition of Dennis McDermott, Otsego Lake State Park

Director K. L. Cool commented that several issues existed at the Otsego State Park such as, beach erosion, liability issues on the walkway to the water, boating access limitations, and others. These issues and others have been remedied at Otsego Lake State Park due to the leadership of **Dennis McDermott, the Park Manager**. **Director Cool** is impressed with the accomplishments.

Director Cool recognized **Mr. McDermott** with a white pine plaque for his heroic act of rescuing an individual whose canoe had capsized. It is likely that, had Mr. McDermott not heard the yelling from this individual, he may have drown. **Director Cool and the NRC** commended him for this selfless act of heroism.

Carry In/Carry-Out – Trash Free Parks Program

Director Cool reported on the mixed successes of the pilot program at 36 State Parks, Recreation Areas and Linear Trails "Carry-In, Carry-Out – Trash Free Parks" program. This program, which requires visitors at day-use areas to carry out any refuse created by their recreation activities, as implemented with the following goals in mind:

- To improve the overall appearance and safety of the Parks through the removal of unsightly, pest-attracting refuse containers;

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- To promote an outdoor ethic that embraces the idea that the Park user is an active partner in the stewardship of our natural resources;
- To discourage wasteful picnic practices while encouraging reusing and recycling;
- To ensure more productive use of staff time by limiting the time spent on trash removal.

Charlie Ehrlich, Muskegon State Park Manager, reported that, at Muskegon State Park, some trash receptacles were removed in 2002 and the remainder in 2003. As a result, there has been a significant reduction of trash in the Park. At Hoffmaster State Park, however, there is a single walkway to the beach and after receptacles were removed, guests were leaving trash along the walkway and around the buildings. **Mr. Ehrlich** stated that the program will remain in place but modifications will be made as needed to locations in order to best utilize the resources at hand.

Joyce Rhodes, Park Supervisor, Holland State Park, reported that, prior to this program, the park was averaging 16 cubic yards of trash per day. On weekends when full, additional trash receptacles had to be added. She reported that it would take five or six employees two to three hours a day to clean up the beach. Under the new "carry-in, carry-out" program, only one person fills half of a five gallon pail per day with a majority of that trash being picked up in the parking lot. The program has worked exceptionally well in this park.

Lowen Schuett, Acting Chief, Parks and Recreation Bureau, commented that, in the parks where the program is successful, it allows employees to perform tasks on other projects, rather than spending a majority of their time picking up trash.

Director Cool stated that this program represents what the DNR stands for – protecting the resource. He would like to see this program in State Forest campgrounds and areas also.

Commissioner Eisele noted that this program is a great concept in certain areas of the state, but asked what can be done in Parks and campgrounds where the program is not embraced? **Mr. Schuett** replied that this program was initiated as a uniform pilot program statewide. Site-by-site modifications will be made as necessary as a result of the individual area managers' reports.

Commissioner Garner questioned whether smoking could be banned on public beaches, specifically Mitchell State Park. He is concerned with the amount of cigarette butts being left on the beach and the potential safety hazard of someone stepping on one that has not been properly extinguished.

Commissioner Campbell is encouraged by the pilot program and recommended that contact be made with the Monroe Evening News to promote this program through this media.

Commissioner Wheatlake discussed the possibility of working with local waste haulers to share landfill costs with certain parks in exchange for company notoriety at the park.

State Forest Trail Acquisitions – NRC Action

Jim Radabaugh, Forest, Mineral and Fire Management Division, reviewed State Forest Trail Acquisitions on the Agenda for NRC Action. The Alpena to Mackinaw Trail and Rogers City Trail – Alpena and Presque Isle counties, is a purchase of 32.75 linear miles, 26 miles from Alpena to Hawks, and 6.7 miles from a point west of Posen and extending north to where the corridor reaches the boundary of the Michigan Limestone Operations, Inc., southeast of Rogers City. The users of the trail will be able to connect directly to the Gaylord to Cheboygan Trail at Cheboygan, the Mackinaw to Petoskey Trail at Mackinaw City, and indirectly to the Hillman to Alpena Trail southwest of Alpena.

The Falling Waters Trail is a purchase of 8.28 linear miles, two segments of inactive railroad right-of-way. Collectively, between City of Jackson trails and this purchase, the trail corridors comprise part of the developing trail network that will stretch across southern Michigan east to Lake St. Clair and west to Lake Michigan.

Discussion ensued relative to appraised values and proposed purchase prices. **Mindy Koch, Chief, Forest, Mineral and Fire Management Division**, commented that, each land purchase is dealt with on an individual basis and evaluated according to the value of ownership for the resource as well as the competition that exists for the property.

Easements

Discussion ensued relative to Sale of Easements Across Dedicated State-owned Land, specifically where an individual purchases property landlocked by State land then requests to purchase an easement. In some cases, the landlocked property is divided into several lots for development purposes. In one case, deed restrictions such as buffer zones and the limiting of construction activities has occurred. Discussion ensued relative to liabilities and limiting construction activity through public access. **Chairman Charters** believes that, by allowing the easements, the DNR is aiding sprawl.

Director Cool stated that, unless changes occur in zoning and/or land use, development of in-holdings will continue. He is not opposed to stopping access to landlocked properties. He stated that it is time to stop fostering sprawl.

Chairman Charters stated that the Governor's Land Use Council is addressing this and other Land Use issues and intends to have a report prepared by August, 2003.

Mason Tract Update

Lynne Boyd, Forest, Mineral and Fire Management Division, discussed a proposed gas well on U.S. Forest Service land that is near the Mason Tract, Crawford County. The application is pending with the U.S. Forest Service and the Department of Environmental Quality. The DNR has approximately 240 acres of minerals in this project. The remainder of the mineral ownership is federal. The proposed well is located on federal property and the bottom hole location is underneath state owned surface. The plan is to directionally drill. This is controversial due to the proximity to the Mason Tract boundary and its proximity to the Fisherman's Chapel. The DNR does not have regulatory authority on this issue, but has provided comments to the U.S. Forest Service during the open comment period. The DNR is opposed to the well location as currently proposed. An alternate location is being researched and meetings will be held on this issue. Discussion ensued.

Budget Update

Kelli Sobel, Administrative Services Deputy, provided an update on the FY04 budget including Payments in Lieu of Taxes (PILT). The Legislative Conference Committee on the FY04 budget is tentatively scheduled for July 15, but it may or may not occur depending on what happens with target meetings. The Governor vetoed the \$1.5 million put into the first supplemental for PILT because it was an inappropriate funding source. The Legislature has included \$1.5 million GF/GP in the second supplemental for the summer PILT payments. The DNR does not anticipate a veto of this money. Ms. Sobel is awaiting a long-term solution for PILT and anticipates meetings this fall to discuss the issue.

'Operation Slither' Update

Tim Nixon, Law Enforcement Division, reported on the conclusion of a two-year undercover operation targeting illegal reptile dealers in Michigan and seven other states. Operation Slither focused on reptile dealers suspected of dealing animals illegally captured from the wilds of Michigan, and exotic species that

are otherwise illegal for possession and sale. Michigan enforcement teams recovered nearly 200 individual reptiles. They are now under the care of a licensed veterinarian, pending court hearings for those cited. Officials will return as many as possible to the wild. The cases will be handled by the state Attorney General's Office.

Director Cool commended Law Enforcement staff for their work on this issue. He also commended **Brad Wurfel, Press Secretary**, for his part in handling the press on this issue.

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The Committee of the Whole meeting adjourned at 4:40 p.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Chairman Charters called the regular meeting of the Natural Resources Commission (NRC) to order at 4:50 p.m.

Fred Meyers, Executive Director, Theodore R. Roosevelt Conservation Partnership (TRCP), was in Michigan in 1996 as the campaign manager for Proposal D and Proposal G and is pleased to be back in Michigan. The TRCP is a fairly new organization with the mission to guarantee every American a place to hunt and fish by making sure that our Nation's public and private lands always remain open, accessible and affordable to hunters and anglers; that those lands will always provide excellent and adequate habitat that produces abundant fish and wildlife; and that these lands also receive conservation funding dollars that they need to produce the same. The Partnership is made up of over 80,000 hunters and anglers across the country, and also has another 1200 affiliates that are hunting and angling organizations, representing 5.5 million hunters and anglers. He is in Michigan meeting with groups and organizations to bring them together under the Partnership umbrella to address issues with the federal government. **Commissioner Garner** commended Mr. Meyers for his accomplishments on Proposals D and G; is pleased he is representing the Partnership and said he will have a definite role in access, habitat and conservation funding.

Walter Wetzel, Jackson, a turtle trapper, believes the trapping laws for snapping turtles are unfair and that the laws do not allow enough catch to eat. He believes that there should be no size limit on male turtles; the law needs to be evaluated; and the maximum catch needs to be modified.

Todd Grischke, Fisheries Division, stated that these regulations have not been reviewed in some time. Staff will review the regulations to determine if changes need to be made.

Michael Freer, Manager, Village of Roscommon, requested that the DNR transfer ownership of the Roscommon DNR airport to the Village of Roscommon. **Mr. Freer** has held meetings with **Guy Gordon, DNR's Chief of Staff, and Mindy Koch, Chief, Forest, Mineral and Fire Management Division**, on this issue. In a letter dated June 24, 2003, Director Cool denied the Village's request. **Mr. Freer** believes that transferring ownership of the airport to the Village of Roscommon would save the citizens of the state \$250,000 that the DNR has committed to pay individuals to remove hangars from the property and thus would free the DNR from any liability issues associated with these hangars. The Village, as owner and operator of the facility would encourage the DNR to continue flight operations from the airport as their guest as long as it deems necessary to continue forest fire operations. Roscommon would like this opportunity to make this airport a factor in its economic makeup. **Mr. Freer** also offered to set covenants and restrictions on this property, and would allow some control of the development of the airport property to guard against any adverse impact to neighboring state lands. **Director Cool** stated that the DNR is not planning to close this airport at this time and that agreements with all 14 private hangar owners to vacate have been achieved. The primary objective is to reduce liability by eliminating private hangar owners.

Guy Gordon, who represents the DNR on the Aeronautics Commission, stated that conversations have been held with **Mr. Freer** and they have discussed the timeframe of how long the airport might remain open. He said that the DNR's needs will be met at the existing facility and the DNR would not need major expenditures for 15 years. The DNR has pledged that the facility would remain open for public use for at least 15 years. **Mr. Gordon** reiterated that agreement has been reached with all 14 hangar owners to eliminate them from the facility. He does not believe that the Attorney General's Office is completely satisfied that all liability issues have been resolved at this site, but that the elimination of the hangars was a large liability issue that was resolved.

Scott Emerson, M.D., Marquette General Hospital, promoted non-motorized trails and trail activities. He does not believe there is an economic justification for snowmobiling in Michigan and that, due to health insurance claims and health related accidents by snowmobilers, the cost is greater than if there were no snowmobiles. Dr. Emerson claims that the ambient air quality as a result of snowmobile emissions, generates exposure to high levels of pollutants along the trails. He stated that motorized recreational trails through residential areas create significant noise resulting in sleep deprivation and, could result in diabetes, obesity, heart attacks, hypertension, stroke, decreased school performance, and decreased job performance and productivity. Obesity could also result from snowmobiling because they may choose to ride snowmobiles versus get adequate physical exercise. He concluded that snowmobiling is the most unsafe form of winter recreation.

Richard Shotwell, President, The Pine River Association, thanked the DNR and the NRC for bringing the Pine and Upper Manistee Natural River Plans to public hearings. He encouraged the DNR and the NRC to move forward in designating these two rivers as Michigan natural rivers.

Howard Thompson, Pine River Watershed Coalition, thanked the DNR and the NRC for bringing the Pine and Upper Manistee Natural River Plans to public hearings. He encouraged the DNR and the NRC to move forward in designating these two rivers as Michigan natural rivers.

Kelley Smith, Chief, Fisheries Division, noted that staff will review the outcome of the public hearings on the Natural Rivers proposals at the August NRC meeting, and will put them before the Director for decision thereafter.

Jay Maki, Tahquamenon Sportsman's Club and MUCC, supports the carry-in/carry out trash program at State Parks and State-owned lands in the Upper Peninsula (UP).

Mr. Maki supports supplemental feeding in the UP. He believes that feeding is necessary in the winter for survival during the harsh months. He does not believe, if diseases reach the U.P., that they will be caused by feeding. Supplemental feeding will maintain a huntable deer population. He suggested that feeding will continue regardless of the law.

Donna Stine, Michigan United Conservation Clubs, reviewed MUCC Resolution #20 regarding Deer Baiting, as follows:

Whereas, the Michigan United Conservation Clubs (MUCC) passed a resolution at its 2000 annual convention asking for a complete ban on the practice of deer baiting and feeding in the Lower Peninsula;

Whereas, since this resolution passed in 2000, the state of Wisconsin has discovered Chronic Wasting Disease (CWD) in its free ranging whitetail herd, and,

Whereas, Michigan Upper Peninsula (UP) shares a border with Wisconsin and a deer wandering Wisconsin's forest today may be found in the UP tomorrow, and,

Whereas, baiting limits enacted by the Michigan Department of Natural Resources (MDNR) are hard to enforce with the violation rate being high throughout the state, and

Whereas, bait stations become gathering spots that help facilitate the transmission of communicable diseases such as Bovine Tuberculosis and CWD, now,

Therefore be it resolved, that the Michigan United Conservation Clubs be on record as opposed to the continued use of bait as a means of harvesting whitetails in Michigan's Upper and Lower Peninsulas, and **(This item did not pass at the Marquette Convention of the MUCC)**

Be it further resolved that the MUCC work with the Michigan Department of Natural Resources to end the practice of baiting in the Lower Peninsula and limit baiting to two gallons in the Upper Peninsula.

Be it further resolved that MUCC work with the Natural Resources Commission (NRC) to end winter supplemental feeding programs in the entire state of Michigan-with the exception of areas in the Upper Peninsula when the early winter (December, January or February) severity index reaches 50 or above.

Russ Reister, past president, MUCC, believes that banning supplemental feeding in the UP will decimate the deer herd.

Chairman Charters thanked **Mr. Reister** for his past involvement with MUCC.

Jim Guerriero, Jackson County Parks and Recreation Director, stated that, on behalf of the Jackson County Parks Department, they are fully prepared to go forward with the acquisition and operation of the Falling Waters Trail.

Jane Drolette, Chief Parks Officer, Jackson County Parks and Recreation, supports the addition of the Falling Waters Trail to the Jackson County trails system and believes it will be a great asset to the system.

Jerry Keck, Mayville, supports Option 2 on the proposed Elk Drawing order.

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The Natural Resources Commission meeting adjourned at 6:30 p.m. on Thursday, July 10, 2003 and reconvened at 8:30 a.m. on Friday, July 11, 2003.

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Legislative Update

Dennis Knapp, Legislative Liaison, presented an update on pending Legislation that impacts the DNR, as follows:

House Joint Resolution J: Creates a proposed ballot issue to amend the state constitution by creating the Michigan Habitat Trust Fund. The Department has concerns because the proposal, as introduced, would trigger a "diversion" issue with the Federal oversight of use of license revenues. The resolution would require a two-thirds vote in both the House and Senate to be placed before voters at the next general election.

Kelli Sobel, Administrative Services Deputy, stated that this issue will be discussed at the September NRC Policy Committee on Finance and Administration.

House Bill 4875 would allow seniors to use crossbows during the archery deer season. The DNR opposed the Legislation based on an intrusion of the NRC's jurisdiction under Proposal G.

Discussion ensued on the parks fees increase and the resulting decrease in parks funding.

House Bill 4861 redirects 15 percent of bear license revenues to administer and compensate agricultural producers for damage caused by deer, bear, geese, turkey, or sandhill cranes. Farmers following "Generally Accepted Agricultural Practices" and allowing hunting are eligible.

House Bill 4599 consolidates the remaining county Sunday hunting bans and repeals them. There is opposition by some legislators to moving this bill forward without providing for a local referendum in each affected county.

House Bill 4896 removes the January, 2004, scheduled expiration of the statute that permits limited live take of raptors for use by licensed falconers. The DNR supports this Bill.

House Bills 4641 & 4642 These proposed revisions to the Natural Rivers Act will place designation authority of natural rivers with the NRC instead of the Director. It allows local governments to remove a designation after two years if a majority of affected local governmental units pass resolutions opposing designation. Locals would have similar opportunity to remove a designation every ten years. The DNR is very concerned with this legislation and is working for changes.

Federal H.R. 1472 prohibits the use of bait for bear hunting on federal lands, and would have a significant impact on bear hunting and bear management in Michigan. Federal lands in Michigan total over 3 million acres, but management of bears is clearly a State responsibility. The DNR has forwarded a letter in opposition to this legislation and has provided expert testimony at a Congressional committee hearing. Congressmen Sander Levin and Carolyn Kilpatrick of Michigan are co-sponsors of this legislation.

Commissioner Garner commented that the goal of the Crossbow Committee was to assist in determining who gets permits and make the process easier. He is concerned, however, that the resource is not being considered in discussions of pending legislation. More discussion is needed on this issue.

Land and Facilities Transactions

Chairman Charters addressed the issue of transaction inconsistencies in the land exchanges and easements. **Mindy Koch** stated that it is difficult to be consistent from one transaction to another due to very different circumstances with each. It is important to have communications with the local units of government early in the development process when state land is involved. Discussions on easements and exchange on state property should be addressed early on.

Emerald Ash Borer Update

The Emerald Ash Borer has been detected in Okemos, Michigan, Meridian Township. It is believed it came into the area via nursery stock at Farmer Jack, prior to the quarantine in southeast Michigan. **Ms. Koch** stated that Michigan State University is moving quickly on research on the beetle and said the eradication plan now needs modifications.

DIRECTOR'S ACTION ITEMS

Director Cool intends to sign all Director's Action items on the agenda.

APPROVAL OF MINUTES – JUNE 5-6, 2003 NATURAL RESOURCES COMMISSION MEETING

Commissioner Garner made a motion, supported by Commissioner Wheatlake, for approval. Motion unanimously carried.

ELK DRAWING SELECTION PROCEDURES, WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 10 OF 2003

Commissioner Garner stated that he is comfortable with either proposed Option, but prefers Option 1.

Commissioner Eisele made a motion, supported by Commissioner Garner supporting Option 1: One Elk License per Lifetime starting February 1, 2004. Discussion ensued. **Mike Leffler, Office of the Attorney General**, explained that although the issues of "taking of game" are the Commission's decision, administrative matters relative to how drawings are conducted, are the Director's decision. He advised that the decision on this issue be signed by both the NRC and the Director so that all jurisdictions are covered. **George Burgoyne, Resource Management Deputy**, stated that Mr. Manning from the Office of the Attorney General had advised him that if the selection process didn't constitute deciding whether or not there was a season, then this was a Director's authority. However, he advised that this order be approved by both the Director and NRC. **Mr. Burgoyne** expressed concern that those willing to take an antlerless elk are those who are really helping manage the elk herd. In the application process, staff understands the discrepancy of "is an elk an elk." Some prefer only a bull elk, some will take any elk. In management, female versus male elk do mean something different relative to managing the resource. **Commissioner Garner** agreed with **Mr. Burgoyne** except that he does not agree that someone who has not received a permit continues to not get a permit because someone else who had received a permit is allowed to continue to apply.

Roll call was taken: Voting Yes: Commissioner Garner, Eisele and Campbell. Voting No: Commissioners Madigan, Wheatlake, Charters. Motion failed 3-3.

Commissioner Garner made a motion, supported by Commissioner Eisele, supporting Option 2 (One Bull License per Lifetime Starting February 1, 2004) ...or purchase an elk license for 10 license years subsequent to receiving the license... Discussion ensued. **Director Cool** supports this motion. **Motion unanimously carried.**

DEER AND ELK CARCASS IMPORTATION BY HUNTERS, WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 12 OF 2003

Commissioner Eisele made a motion, supported by Commissioner Campbell, for approval with (c) and (d) deleted. **Ms. Humphries** commented that she had discussed this issue with the chairman of the Chronic Wasting Disease Task Force, **Dr. Howard Tanner**, who indicated that they would not be publishing any preliminary recommendations or guidance until the fall, 2003 and encouraged staff to take interim steps necessary to protect Michigan. She does not believe this decision would overstep the Task Force activities. **Dr. Steve Schmitt** commented that the USDA has banned any ruminant product, live or dead, coming to the United States because of BSE and nothing to do with chronic wasting disease. There is research being done to see if carcasses can spread the disease. Discussion ensued. **Commissioner Campbell** believes that imported animals and carcasses should be tested. **Commissioner Eisele** stated that Michigan is different in that we are a peninsula and "driving through" the State isn't as prevalent as in Illinois, for example. He also believes that every opportunity to prevent the disease from coming into the State should be taken.

Roll Call was taken: Voting Yes: Commissioners Madigan, Wheatlake, Charters, Eisele and Campbell. Voting No: Commissioner Garner. Motion carried 5-1.

Commissioner Garner stated that his no vote was given because he wanted more time to figure how capes and heads can be brought into Michigan from out-of-state.

**STATE FOREST TRAIL ACQUISITION – ATLANTA FOREST MANAGEMENT UNIT
ALPENA TO MACKINAW TRAIL AND ROGERS CITY TRAIL – ALPENA AND PRESQUE ISLE
COUNTIES
LAND TRANSACTION CASE #20000271**

Commissioner Wheatlake made a motion, supported by Commissioner Garner, for approval.

Commissioner Eisele made a motion, supported by Commissioner Madigan, to amend the motion to reduce the purchase price to the appraised price. Following discussion, the amendment was withdrawn by the maker and the second.

Motion unanimously carried.

**STATE FOREST TRAIL ACQUISITION
FALLING WATERS TRAIL – JACKSON COUNTY
LAND TRANSACTION CASE #19970192**

Commissioner Eisele made a motion, supported by Commissioner Madigan, to approve the Acquisition and limit the purchase price to not more than 10 percent over the appraised value. Ms. Koch explained that the appraisal used was old and when this acquisition price was negotiated, staff believes the purchase price was appropriate based on the results of a more recent appraisal. Commissioners Eisele and Madigan withdrew the motion.

Commissioner Eisele made a motion, supported by Commissioner Madigan, to support the acquisition as proposed. Motion unanimously carried.

NRC Policy Committee on Wildlife Issues Meeting Report

Commissioner Garner reported that the Committee met on Thursday, July 10, 2003 at 1:00 p.m. in Lansing. Topics of discussion included: Update on the Kirtland Warbler; Update on Waterfowl Regulations; discussion on Bear Drawing issues; and a discussion on the proposed Elk Hunting regulations.

MUCC Conservationist of the Year Award

Commissioner Garner congratulated Chairman Charters for receiving this year's MUCC "Conservationist of the Year Award" as presented at the June MUCC Convention in Marquette. Commissioners Eisele, Garner, Campbell and Madigan attended the Convention when the award was presented to the Chairman.

COMMISSIONER REPORTS

Commissioner Madigan met with constituents in the Lake Chenault area regarding quality deer management; made a presentation to the mid-UP Soil Conservation Districts; and reported that he will be holding a Habitat Meeting in the UP in early August.

Commissioner Wheatlake worked with staff and the Legislature regarding DNR's budget; and stated he will be going caribou hunting in Alberta and asked how he might be able to return with caribou meat.

Commissioner Eisele attended the MUCC Convention in Marquette; and received calls regarding trash pick-up in State Parks and Day Use Areas.

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Commissioner Campbell received several calls relative to trash pick-up in State Parks and Day Use Areas; and mentioned that he is pleased with the increase in bald eagle sightings in southeast Michigan.

Chairman Charters said it was a great honor to receive the MUCC "Conservationist of the Year" Award. He stressed the importance in having a strong MUCC. Mr. Charters also noted that a Land Use Council meeting was held in June and will meet again in August. Progress is being made on the mission of the Council.

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The meeting adjourned at 10:35 a.m.